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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,820	09/26/2001	Katia Bredo	CM2436	1206

27752 7590 12/02/2002

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EXAMINER

WINTER, GENTLE E

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 12/02/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/963,820	BREDO ET AL.
	Examiner	Art Unit
	Gentle E. Winter	1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 March 2002.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 September 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1-9 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6,294,084 to Henkin.
2. Claim 1 is drawn to a device equipped with an energy storage means and a self tracking means wherein the device is capable of floating and actively moving. The robotized cleaner, specifically as disclosed in the abstract of Henkin describes a device equipped with an energy storage means and a self tracking means wherein the device is capable of floating and actively moving. The filter element of claim 2 is inherently present in the cleaner, which draws water in, passes the water through a filter, and thereafter expels the water. Specifically, Henkin et al. disclose a system for automatically cleaning swimming pools, the apparatus comprising a unitary body having a level control subsystem for selectively moving the body to a position either proximate to the surface of the water pool or proximate to the interior surface of the containment wall, a propulsion subsystem operable to selectively propel the body in either a forward or rearward direction, and a cleaning subsystem operable in either a water surface cleaning mode for skimming or scooping or a wall surface cleaning mode for vacuuming or sweeping. The subsystems are powered by an electric source such as solar cells and/or rechargeable batteries and/or a wire extending to the unitary body from an external power source. The batteries can be

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charged from solar cells carried by the unitary body or via electric terminals in an appropriately configured docking station.

3. With respect to claims 3-9 the specification defined "self tracking means" as a means that allows a directed movement of the device herein as compared to a random movement. Henkin et al. disclose a directed movement system. The rudder is the steering wheel see e.g. column 2, line 2 *et seq.* this is a functional equivalent and performs the same function. Henkin et al. disclose a spray nozzle expelling rinse water. Henkin et al. also discloses a pump, and relies on a rechargeable battery pack. The location where such power is input is construed to be the dock. The process limitations of independent claim 13 and claim 14, is contemplated by the instant system as the soil will continue to be added continually and as such it will clean the soil that has been deposited within the past 180 minutes.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henkin in view of WO 94/23159 each and every limitation of claims 10-11 is disclosed in Henkin as set forth above, except that Henkin fails to explicitly disclose a reservoir for a cleaning solution. Claim 11, enumerating cleaning compositions is given little patentable weight, as these

limitations appear to be drawn to a future intended use. Weight is accorded to the claim to the extent that the reservoir must be capable of accommodating the indicated cleaning compositions.

6. Page 9 of WO 94/23159 provides such a reservoir (page 9 line 11 *et seq*). The reservoir is inherently present as a source for the washing liquid. The artisan would have been motivated to make the instant combination for at least the reasons explicitly set forth in WO 94/23159, namely the augmentation of the brush cleaning action. On page 9 line 13 *et seq*. WO 94/23159 provides "spraying a washing liquid towards a contact area (36) between the surface (34) to be cleaned and the brush means.

7. Claims 10 and 11 are read in light of the specification, especially with respect to page 15 and 16 of the originally submitted specification, reciting details of an applicator means.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. United States Patent No. 6,039,886 also to Henkin et al. disclosing a method and apparatus configured to be driven by a source of negative pressure for cleaning a surface. The apparatus includes a unitary body suited for immersion in the water pool, a negative pressure source for producing a water flow in the body; a level control subsystem carried by the body responsive to the water flow for producing a vertical force to selectively place the body either (1) in a first mode proximate to the water surface or (2) in a second mode proximate to the wall surface below the water surface; at least one pool water inlet in the body; and a propulsion control subsystem responsive to the water flow for selectively moving the body either (1) along a

path adjacent to the water surface for collecting pool water therefrom through said inlet or (2) along a path adjacent to the wall surface for collecting pool water therefrom through said inlet. The cleaner body has a weight/buoyancy characteristic to cause it to normally rest either (1) proximate to the pool bottom adjacent to the wall surface (i.e., heavier-than-water) or (2) proximate to the water surface (i.e., lighter-than-water).

10. Applicant's admitted prior art (see page 3 of the originally filed specification) provides anticipatory references for at least claims 1, 3, and 13.

11. The prior art is replete with different types of automatic swimming pool cleaners powered from either the positive pressure side or suction side of a pump. They include water surface cleaning devices which typically float at the water surface and skim floating debris therefrom. The prior art also shows pool wall surface cleaning devices which typically rest at the pool bottom and can be moved along the wall (which term should be understood to include bottom and side portions) for wall cleaning, as by vacuuming and/or sweeping. Some prior art assemblies include both water surface cleaning and wall surface cleaning components tethered together.

12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gentle E. Winter whose telephone number is (703) 305-3403. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703) 308-4333. The fax phone numbers for

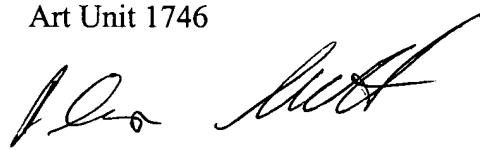
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the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Gentle E. Winter  
Examiner  
Art Unit 1746

November 22, 2002

  
11/22/02

**ALEXANDER MARKOFF  
PRIMARY EXAMINER**